

Exhibits

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Service Mark Application of
Society of Cable Telecommunications
Engineers, Inc.

Serial No.: 76/035,792

Filed: April 27, 2000

For: CONFERENCE ON EMERGING TECHNOLOGIES

M. E. f
Trademark Examining Attorney:
Bridgett Garrett Smith
Law Office 115

RESPONSE TO FINAL OFFICE ACTION

In response to the Final Office Action dated July 12, 2001 (Action No. 02), please
amend, without prejudice, the above-identified application as follows:

Applicant hereby amends this application to be an application under Section 2(f) of
the Trademark Act as Applicant's mark has acquired distinctiveness through substantial
national and international use as attested to by the attached DECLARATION AS TO
ACQUIRED DISTINCTIVENESS along with Exhibits A through Q.

Application hereby requests withdrawal of the Refusal to Register and requests that
this application be passed to publication in the Trademark Official Gazette.

If the Examiner perceives any difficulty with this application, it is respectfully requested that the finality of the Office Action of July 12, 2001 be withdrawn particularly as there are new issues raised in this application as to proceeding under Section 2(f).

REMARKS

Applicant has amended this application to be an application under Section 2(f) of the Trademark Act and requests that the finality of the Office Action of July 12, 2001 be withdrawn.

Applicant submits herewith a DECLARATION AS TO ACQUIRED DISTINCTIVENESS of Marvin Nelson, Vice President of Applicant. Mr. Nelson has been actively employed by SCTE for more than ten (10) years and is aware of the facts attested to in the Declaration.

The Declaration attests to the fact that the educational services now being promoted under Applicant's mark "CONFERENCE ON EMERGING TECHNOLOGIES" for the year 2002 will be the tenth consecutive "CONFERENCE ON EMERGING TECHNOLOGIES" at which educational services, namely, conducting conferences on technology in the field of cable communications have been rendered under Applicant's mark. Substantially more than 100,000 pieces have been mailed promoting the educational services to be offered by Applicant in January, 2002.

The Declaration attests to the facts that over 900 participants have attended each of the conferences over the last eight years, with three of them exceeding 1,300 participants. The participants at these conference have come from almost all 50 states, 44 states plus the

District of Columbia in the year 2001. Additionally, participants have come from foreign countries including the Canadian Provinces of Alberta, British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario and Quebec in 2001. In the January, 2001 Conference, there were participants from foreign countries such as Argentina, Brazil, England, France, Finland, Germany, Ireland, Israel, Mexico, Sweden and Switzerland. Attached to the Declaration as Exhibit C is a listing for the years 2000, 1999, 1998 and 1997 which show a similar pattern. The January, 2001 Conference grossed \$400,000.00 which is a significant amount for a single conference rendering educational services.

The Declaration also attests to the advertising and promotion, and a copy of the brochures for each of the conferences held at various locations across the country are attached as Exhibits F through N. These brochures attest to the fact that major national and international corporations such as IBM, AT&T, General Instrument Corp. (now a part of Motorola, Inc.), Jerrold Communications (now a part of Motorola, Inc.), Raychem Corp., Zenith Electronics Corp., Nortel, Hewlett-Packard, CableLabs, US WEST Technologies, Time Warner Cable, Cisco Systems, Scientific-Atlanta, Microsoft, Lucent Technologies and others participate in these conferences. Applicant's mark has become distinctive of the high quality of educational services rendered by Applicant under this mark over most of the last decade.

Exhibit P to the Declaration is an article in the magazine Communications Technology recognizing that the mark "CONFERENCE ON EMERGING TECHNOLOGIES" has become an indicator of the source of high quality educational services in the form of conferences being rendered by Applicant.

Based in part on the foregoing, the mark "CONFERENCE ON EMERGING TECHNOLOGIES" has acquired distinctiveness in that it has become to identify Applicant as the source of high quality educational services rendered under the mark.

Accordingly, it is respectfully submitted that this application should be amended to an application under Section 2(f) of the Trademark Act and passed to publication on the basis that it has acquired distinctiveness. An early Office Action toward that end is earnestly solicited.

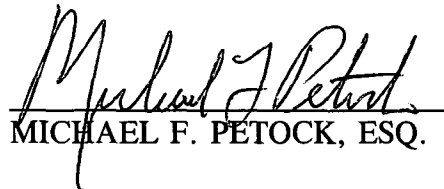
Respectfully submitted,



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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box RESPONSES NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on the date shown below.


MICHAEL F. PETOCK, ESQ.

Dec 12, 2001
DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Service Mark Application of
Society of Cable Telecommunications
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Serial No.: 76/035,792

Filed: April 27, 2000

For: CONFERENCE ON EMERGING TECHNOLOGIES

Trademark Examining Attorney:
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DECLARATION AS TO ACQUIRED DISTINCTIVENESS

I, Marvin Nelson, declare and say as follows:

1. I am Vice President of Applicant, Society of Cable Telecommunications Engineers, Inc. (hereinafter "SCTE").
2. I have been actively employed by SCTE for more than 10 years.
3. Applicant SCTE has prominently and widely used its mark "CONFERENCE ON EMERGING TECHNOLOGIES" all across the country since its first national conference in January of 1993 conducted in New Orleans, Louisiana during the periods of January 6-7, 1993.
4. Applicant's mark "CONFERENCE ON EMERGING TECHNOLOGIES" is widely recognized by those interested in the field of cable telecommunications as indicating a source, namely SCTE, of high level educational services in the form of conferences.
5. Applicant SCTE's educational services provided and promoted under the mark

"CONFERENCE ON EMERGING TECHNOLOGIES" is widely promoted and advertised through mailings, the internet, newsletters and magazines.

6. Attached hereto as Exhibit A is a mailing mailed in October of 2001 promoting the educational services to be conducted by Applicant under the mark "CONFERENCE ON EMERGING TECHNOLOGIES" in San Jose, California during January 8-10, 2002.

7. Applicant has mailed substantially more than 100,000 pieces promoting its educational program to be conducted under the mark "CONFERENCE ON EMERGING TECHNOLOGIES" during the period of January 8-10, 2002 in San Jose, California.

8. Applicant's "CONFERENCE ON EMERGING TECHNOLOGIES" had 1,300 or more participants in 1995 and 1996, had over 1,000 participants in 1997, 1998 and 1999, almost 1,000 participants in the year 2000 and 1,031 at the conference which took place in January of 2001. A listing of the number of attendees from across the country and internationally is attached hereto as Exhibit B.

9. Applicant SCTE is expected to receive gross receipts of about \$450,000.00 from its educational program promoted and conducted under the mark "CONFERENCE ON EMERGING TECHNOLOGIES" during the period of January 8-10, 2002.

10. The educational program conducted by Applicant SCTE under its mark "CONFERENCE ON EMERGING TECHNOLOGIES" to be conducted on January 8-10, 2002 will be its 10th consecutive annual program held in various parts of the country.

11. Attached hereto as Exhibit C is a listing of states from which attendees came to participate in Applicant's conferences for the last five years, 2001, 2000, 1999, 1998 and

1997. As may be seen from this list, attendees have come from almost all 50 states, almost all of the Canadian Provinces and numerous foreign countries. For example, as shown by Exhibit C, the "CONFERENCE ON EMERGING TECHNOLOGIES" for the year 2001 had participants from 44 states, the District of Columbia and Puerto Rico, the 7 Canadian Provinces of Alberta, British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario and Quebec, and various other foreign countries including Argentina, Brazil, England, France, Finland, Germany, Ireland, Mexico, Sweden and Switzerland. A perusal of the attendee's places of origin as listed for the years 2000, 1999, 1998 and 1997 reveal a similar pattern including 44 states being represented in the year 2000, 43 states in the year 1999, 42 states in 1998 and 41 states in 1997. All of these years also included substantial participants from various Canadian Provinces and various other foreign countries. The mark is recognized both nationally and internationally.

12. Exhibit D is a listing of the gross receipts derived from the educational program conducted each year going back to January of 1993 under the mark "CONFERENCE ON EMERGING TECHNOLOGIES." These receipts are substantial for an annual 2 or 3 day conference.

13. Attached hereto as Exhibit E is a listing of printing and postage expenses expended by Applicant in promoting its educational programs under the mark "CONFERENCE ON EMERGING TECHNOLOGIES." These figures represent only a portion of the advertising and promotion as much of the advertising and promotion is done through in-house efforts and expenses which are not separately tracked.

14. A copy of the registration package of the CONFERENCE ON EMERGING

TECHNOLOGIES held January 6-7, 1993 in New Orleans, Louisiana is attached hereto as Exhibit F. Applicant's name at that time was Society of Cable Television Engineers, Inc., which name was subsequently changed to Applicant's current name. As may be seen from the program, people from various major national and international corporations, such as IBM, AT&T, General Instrument Corp. (now a part of Motorola, Inc.) and others, participated in this conference.

15. Attached hereto as Exhibit G is a registration package for the CONFERENCE ON EMERGING TECHNOLOGIES held January 4-6, 1994 in Phoenix, Arizona. Again, this conference included participants from major national and international corporations including AT&T Bell Laboratories, Jerrold Communications (now a part of Motorola, Inc.), Raychem Corp., Zenith Electronics Corp., AT&T, Scientific-Atlanta, Microsoft and others. A copy of the conference program is attached as Exhibit H.

16. Attached as Exhibit I is the conference program for the CONFERENCE ON EMERGING TECHNOLOGIES held on January 4-6, 1995 in Orlando, Florida. Again, this was a nationwide conference with participants from major national and international corporations making presentations including Time Warner Cable, Intel Corp. CableLabs, Raychem Corp., Telecom, General Instrument (now a part of Motorola, Inc.) and others.

17. Attached hereto as Exhibit J is the registration package for the CONFERENCE ON EMERGING TECHNOLOGIES held January 8-10, 1996 in San Francisco, California. Again, this included presentations by major national and international corporations such as Nortel, Hewlett-Packard, CableLabs, AT&T Bell Laboratories, US WEST Technologies, Panasonic Technologies and others.

18. Attached hereto as Exhibit K is a copy of the registration package for the CONFERENCE ON EMERGING TECHNOLOGIES which took place on January 8-10, 1997 in Nashville, Tennessee. Again, this was a nationally recognized conference with participants from national and international corporations including Time Warner Cable, Cisco Systems, General Instrument (now a part of Motorola, Inc.), Scientific-Atlanta, Microsoft, Lucent Technologies, Hewlett-Packard and others. This conference also included participants from major educational institutions such as Georgia Tech and MIT.

19. Attached as Exhibit L is a copy of the conference program for CONFERENCE ON EMERGING TECHNOLOGIES conducted January 28-30, 1998 in San Antonio, Texas. This included participants from national and international corporations such as Hewlett-Packard, CableLabs, Time Warner Cable, Scientific-Atlanta, AT&T Labs-Research and others.

20. Attached as Exhibit M is a program brochure for the CONFERENCE ON EMERGING TECHNOLOGIES held January 19-21, 1999 in Dallas, Texas. Again, this CONFERENCE ON EMERGING TECHNOLOGIES included participants from major national and international corporations, including MediaOne, Time Warner, Prime Cable, CableLabs and others.

21. Attached as Exhibit N is a copy of a flyer on the CONFERENCE ON EMERGING TECHNOLOGIES held January 11-13, 2000 in Anaheim, California.

22. Attached hereto as Exhibit O is a printout of portions of Applicants website on CONFERENCE ON EMERGING TECHNOLOGIES held January 8-10, 2001 in New Orleans, Louisiana. As in previous years, this conference included participants from national

and international corporations including Time Warner, Motorola, Inc., Scientific-Atlanta, Inc. and others.

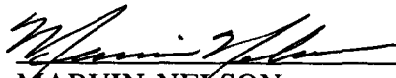
23. Attached as Exhibit P is the cover page and an copy of an article appearing in Communications Technology on Applicant's CONFERENCE ON EMERGING TECHNOLOGIES which took place in January, 2000. This article recognizes the CONFERENCE ON EMERGING TECHNOLOGIES as being a service mark or indicia representing a high quality educational service rendered by Applicant.

24. Attached hereto as Exhibit Q is a promotional piece contained on Applicant's website www.SCTE.org.

25. Based in part on the foregoing, the mark "CONFERENCE ON EMERGING TECHNOLOGIES" has acquired distinctiveness in that it has become to identify Applicant as the source of high quality educational services rendered under the mark.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful statements may jeopardize the validity of the application or any resulting registration, declares to the best of his knowledge and belief that the statements made herein of his own knowledge are true and the all statements made on information and belief are believed to be true.

12/3/01
Date


MARVIN NELSON
Vice President
Society of Cable Telecommunications
Engineers, Inc.